

# Notice of Allowability

Application No.

09/739,386

Examiner

Ronald W Leja

Applicant(s)

VANHEE, JEAN-LUC

Art Unit

2836

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 12/10/03.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ The drawings filed on 19 December 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                  |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>1/21/04</u> |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                          |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance         |
|  | 9 <input type="checkbox"/> Other  |

*Ronald W Leja*  
Ronald W Leja  
Primary Examiner  
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*1/21/04*

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An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

IN THE CLAIMS:

Claim 3, line 4, change "a" to -- the --.

Claim 6, line 5, change "a predetermined" to -- one of the particular upper and lower -- and in line 6, change "value" to -- values --.

Claim 8, line 1, change "1" to -- 3 --.

Claim 11, line 4, change "a" to -- the --.

Claim 14, line 5, change "a predetermined" to -- one of the particular upper and lower -- and in line 6, change "value" to -- values --.

Claim 16, line 1, change "9" to -- 11 --.

Authorization for this Examiner's Amendment was given in a telephone interview with Terrance J. Wikberg on 1/20/04.

The following is an Examiner's Statement of Reasons for Allowance: Applicant's arguments of 12/10/03 prompted the Examiner to review the case carefully in an effort to better understand the presented arguments. After a careful review of the Specification and instant claim language, an update search was conducted and it is the

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position of the Examiner, that the Prior Art of Record, which includes the newly cited References, does not anticipate nor suggest the claimed combinations as found within the Independent Claims 1, 9, 17 and 18. It was determined by the Examiner that the references relied upon in the Office Action of 10/10/03 failed to disclose or make obvious the claimed combinations, which include "at least one individual circuit for individually short circuiting a module if said module should fail and maintaining permanently electrical continuity between the other of said modules connected in series with said module" (emphasis added). Newly cited Altmejd (4,713,597) teaches the making of a permanent short circuit resulting in maintaining permanently electrical continuity between the other of said modules, however, there does not appear to be strong motivation to apply those teachings to the Burns et al. (5,180,641) and/or Wilson (5,206,775) References to arrive at the claimed combinations of Independent Claims 1, 9, 17 and 18. The dependent claims are allowable due to their dependency.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W Leja

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whose telephone number is (703) 308-2008. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Ronald W Leja  
Primary Examiner  
Art Unit 2836

*1/21/04*

rwl  
January 21, 2004